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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : **VERIFIED COMPLAINT**
 : **FOR FORFEITURE**

Plaintiff, :

24 Civ. 6713

- v - :

2021 CHEVY TAHOE, BEARING VEHICLE :
IDENTIFICATION NUMBER :
1GNSKPKD2MR102601, :

Defendant-in-rem. :

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Plaintiff United States of America, by its attorney, DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, for its verified complaint alleges, upon information and belief, as follows:

I. NATURE OF THE ACTION

1. This is an action by the United States of America seeking forfeiture of a 2021 Chevy Tahoe, bearing vehicle identification number 1GNSKPKD2MR102601 (the "Defendant Vehicle"). The Defendant Vehicle is subject to forfeiture pursuant to Title 21, United States

Code, Section 881, as property used or acquired as a result of a violation of the Controlled Substances Act (21 U.S.C. §801, *et seq.*). The Defendant Vehicle is additionally subject to forfeiture as a conveyance used or intended to be used to transport and to facilitate the transportation, sale, receipt, possession and concealment of a controlled substance, pursuant to Title 21, United States Code, Section 881(a)(4).

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to Title 28, United States Code, Section 1345 and 1355.

3. Venue is proper pursuant to Title 28, United States Code, Section 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture of the Defendant Vehicle took place in the Southern District of New York, and, pursuant to Title 28, United States Code, Section 1395, because the Defendant Vehicle was found and seized in the Southern District of New York. Venue is also proper in this district pursuant to Title 18, United States Code, Section 981(h) and Title 21, United States Code, Section 881(j).

4. The Defendant Vehicle is currently in possession of the Government.

III. PROBABLE CAUSE FOR FORFEITURE

5. On Wednesday, August 3, 2022, at approximately 2:48 p.m., law enforcement executed a traffic stop of the Defendant Vehicle on the Cross County Parkway near the exit for the Bronx River Parkway, Yonkers, NY, for an unsafe lane change.

6. The Defendant Vehicle was occupied by the driver, later identified as Jovann Martin (“Martin”), and a passenger in the front passenger seat, later identified as India Clemons.

7. After Martin denied consent to search the Defendant Vehicle, K-9 Kaya, a canine trained to detect the presence of narcotics, was introduced to the exterior of the Defendant

Vehicle and gave a positive indication for the presence of a narcotic odor at the front passenger side door.¹

8. After the positive narcotics indication, a law enforcement officer began to search the vehicle and discovered rubber-banded bundles of cash in the center-console and its surrounding area.²

9. During the search, law enforcement also observed modifications to the center console of the Defendant Vehicle that indicated an after-market hidden compartment within.

10. Law enforcement was able to observe through a separation at the rear of the console shiny silver foil material within. Such material is used commonly to line the inside of hidden after-market compartments that contain narcotics.

11. Thereafter, law enforcement used a camera scope to penetrate the compartment in the center console of the Defendant Vehicle which revealed a clear plastic bag containing a white powdery substance believed to be narcotics.

¹ Kaya is certified as a narcotics detection canine after completing a ten-week training course in narcotic detection at the Westchester County Police Academy. In January 2018 Kaya was certified and then re-certified in January of 2021 in the detection of the odors of marijuana, cocaine, crack, heroin, hashish, MDMA, suboxone and crystal methamphetamine. Since that time, Kaya has received numerous hours of training and is utilized regularly for the purpose of detecting narcotic odors. Kaya has been involved in search warrants and has made numerous positive identifications. Kaya is routinely used to conduct searches of automobiles, residences, packages and suitcases. Kaya has successfully given positive indications of narcotics in the field in the past and generally has proven reliable in the field.

² The total currency seized from the Defendant Vehicle was \$14,527.00 in United States currency consisting of rubber banded bundles of twenty and fifty dollar bills as well as a single rubber banded bundle of one hundred dollars bills. Narcotics traffickers are known to use low denomination currency to conduct their business. On or about April 5, 2024, the seized currency was administratively forfeited to the Government as narcotics proceeds pursuant to Title 21, United States Code, Section 881.

12. Following this discovery, Martin was taken into custody and law enforcement transported the Defendant Vehicle back to law enforcement Headquarters.

13. At Headquarters, the non-factory hidden compartment in the Defendant Vehicle was successfully opened and law enforcement discovered within a plastic bag containing 570 grams of a white powdery substance and a high-capacity magazine with twenty-eight (2) 9MM Luger rounds. The white powdery substance tested positive for cocaine.

14. As a result of these discoveries, Martin was arrested.

15. On or about November 29, 2022, Jovann Martin was charged in a two-count Indictment, 22 Cr. 639 (CS) (the “Indictment”) in the United States District Court, Southern District of New York, with conspiracy to distribute a controlled substance, in violation of, Title 21, United States Code, Section 846 (Count One); and unlawful possession of ammunition, in violation of Title 18, United States Code, Section 922(g)(Count Two).

16. On or about October 10, 2023, the Martin pled guilty to Counts One and Two of the Indictment and was sentenced on January 19, 2024 to sixty months of incarceration.

CLAIM FOR FORFEITURE

17. The allegations contained in paragraphs one through sixteen of this Verified Complaint are repeated and alleged as if fully set forth herein.

18. Pursuant to Title 21, United States Code, Section 881(a)(4), “[a]ll conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of [a controlled substance]” are subject to forfeiture to the United States, and no property right exists in such properties.

19. The Defendant Vehicle is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(4) because there is probable cause to believe that this vehicle was used, or intended to be used, to transport, or facilitate the transportation, sale, receipt, possession or concealment of controlled substances.

20. By reason of the foregoing, pursuant to Title 21, United States Code, Section 881(a)(4), the Defendant Vehicle is subject to forfeiture to the Government.

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant Vehicle and that all persons having an interest in the Defendant Vehicle cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant Vehicle to the United States of America for disposition according to law and that this Court grant plaintiff such further relief as this Court may deem just and proper together with the costs and disbursements in this action.

Dated: September 4, 2024
New York, New York

DAMIAN WILLIAMS
United States Attorney for Plaintiff
United States of America

By: /s/ Ryan W. Allison

RYAN W. ALLISON
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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK :
SOUTHERN DISTRICT OF NEW YORK)

Special Agent Christopher Daniel, being duly sworn, deposes and says that he is a special agent with the Department of Homeland Security: Homeland Security Investigations and as such has responsibility for the within action; that he has read the foregoing complaint and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief. The sources of deponent's information and the ground of his belief are official records and files of the United States, conversations with other law enforcement officers and information obtained directly by deponent during an investigation of alleged violations of Title 21, United States Code.

CDaniel

CHRISTOPHER DANIEL

Special Agent
Department of Homeland Security:
Homeland Security Investigations